

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,
INDIANA, WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD
FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON
MONDAY, JULY 17, 2008 AT 7:30 P.M.**

Mr. Gahan called the meeting to order at 7:30 p.m. he thanked everyone for coming out tonight

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Caesar moved to approve the July 7th public hearing minutes, **Mr. Coffey** second, all voted in favor

Mr. Messer moved to approve the July 7th meeting minutes, **Mr. Gonder** second, all voted in favor

Mr. Price moved to bring the CF-1's forward on the agenda, **Mr. Caesar** second, all voted in favor

COMMUNICATIONS – PUBLIC:

Mr. Cassidy 106 Meade Drive, thanked several council members that approached him in support of his integrity. He stated that all he has ever been after is to get down to the redistricting and explained that the ordinance that the council has is not the one that committee did but he wants them to know that he has their full support in using that plan and all he cares about is that it be one man one vote.

COMMUNICATIONS – CITY OFFICIALS:

Chief Crabtree stated that they received a proposal from the Police Department for 2 civilian employees, more man power so he just wanted to remind them of those two issues. He stated that they are working to gets funds for narcotics investigations because the Indiana Drug Task Force has been eliminated and it is very important to them and if there are any questions he would be happy to answer them. He stated that he and Mrs. Garry have worked hard to find the funds for this force and if they have to wait until next year they will be he will not be able to operate until then.

Mr. Price asked about the issue with gas and stated that he knows some cities are going back to line-duty or charging the cars that go home.

Chief Crabtree explained that he believes that they are charging for off duty work in those situations.

Mr. Price stated that they used to see a lot of bicycle patrols a while back and wondered if that could be an option.

Chief Crabtree stated that he has discussed this and it usually came from funding from the housing authority and the officers worked overtime for this. To have regular bicycle patrols they just simply do not have the man power. He stated that he has no plans to get rid of the bicycles and if he could use them he would. He stated that they haven't ruled out anything but he welcomes all the council members to come down and talk with him about any ideas that they might have on how to save money from their budget. He stated that they have looked into motor and flex-fuel vehicles so they are open to anything.

Mr. Gonder stated that they had discussed the Ford-Hybrid and asked if that was a possibility.

Chief Crabtree explained that

Mr. Coffey stated that he commends the department for only being up 17% on gas and explained that he has concerns with the three traffic officers and stated that they might

need to go back to parking meters. He stated that they have the bond issue in their packets tonight and there was something attached that shouldn't have been a part of it but was just for their information.

Mr. Messer stated that he was approached about the possibility of getting a tow lot for the city to help clean up the city and they have a location and are trying to get it ready and they will need some funds to get it up and running as far as security reasons are concerned and they have plans to pay the city back. He explained that right now they are losing auction money, towing and daily storage.

Mr. Caesar stated that he would be more than willing to work with Mr. Messer to put something together because he thinks this is very important and could be a huge income for the City once it is paid off.

Mr. Coffey stated that they need to look at Jeffersonville's ordinance because they have a good working system.

Chief Crabtree stated that it is at least 3-5 acres and it has already been cleared and they have exhausted their resources to get this up and running and he explained that they are losing money on this. He explained that anything they tow in has to go to Indianapolis so Mr. Messer is correct in saying that to scrap them would take some time but it would be a huge asset to the City. He stated that he believes that Officer Smith has taken the reins on this project and he wants to have a small building, security and it will hold a minimum of 50 cars. He stated that he was very impressed with the property and they could discuss how it would be manned and might be able to be taken care of by the traffic officers.

COMMUNICATIONS – MAYOR

Mr. Malysz presented the council with a press release from Mayor England and stated that he is here to summarize it for the members. He explained that Southern Indiana Waste was contracted to pick up garbage but when it was outsourced there were two things still kept within the city, yard waste and . He stated that this duty has fallen on the Street Department who is always busy with their daily chores. He explained that they had a call basis set up to get this thing picked up but because of their heavy load they have fallen behind and the Mayor is unsatisfied with this schedule and he wants the street department to have all of this caught up by the end of the month. He stated that the Street Department is going to put aside their current projects to get this all caught up and then will resume the call-in system as well as every Thursday doing a sector sweep. He stated that the Mayor is very unhappy with the fact that that sanitation was outsourced and this has fallen onto them but they are working diligently to get the problems corrected.

Mr. Gonder asked if there was any way for the City to collect on a case-by-case basis because he is one of the individuals who needed that trash pick-up and he would have been more than happy to pay for the service.

Mr. Malysz stated that Mr. Thompson would be better to address that but they don't currently have a scale for fees.

Mr. Thompson stated that as of now there is no charge and there is no way to set a scale because of the different sizes of the waste that they are picking up.

Mr. Malysz stated that he would love for the council to get involved and charging for this service would certainly be an option as well as possibly renegotiating the sanitation contract but he would like to meet with any member to discuss their ideas for the different possibilities to correct this situation.

Mr. Coffey stated that he believes that there is an ordinance that was passed under Regina Overton and they may want to look into that.

Mr. Thompson stated that he is not aware of anything but they will make sure to research that.

Mr. Caesar stated that part of this is just coming from their tax dollars but maybe they need to have something written to show the citizens how they can help the Street Department do this job a little easier.

Mr. Thompson stated that the only way the public can help is if the City controls when they go out and not base it on single call- in's but if they go out in areas on certain days the public can make sure to have their waste out for that day. He stated that he is no aware of any tax dollars that take care of this it is just a service that the City provides. He stated that they will still have to separate out yard waste as they will not pick up trash.

APPOINTMENTS:

APPROVAL OF CF-1 FORMS:

S & J Precision, Inc., Compliance with Statement
of Benefits, Referencing R-04-24, R-05-48(RE) & R-04-37(PP)

Mr. Messer moved to approve, Mr. Caesar second, all voted in favor

Stephen Tilton, Compliance with Statement
of Benefits, Referencing R-00-45

Mr. Caesar moved to approve, Mr. Messer second, all voted in favor

Accent Marketing Services, LLC with Statement
Of Benefits, Referencing R-07-41(PP)

Tabled

Metal Sales Manufacturing Compliance with
Statement Of Benefits, Referencing R-99-31(PP)

Mr. Price moved to approve, Mr. Coffey second, all voted in favor

Monroe Shine & Co., Inc., Compliance with Statement
Of Benefits, Referencing R-99-07(RE)

Mr. Messer moved to approve, Mr. Caesar second, all voted in favor

Payne Sparkman, Compliance with
Statement of Benefits, Referencing R-98-23(RE)

Mr. Coffey moved to approve, Mrs. Benedetti second, all voted in favor

Discount Labels, Compliance with
Statement of Benefits, Referencing R-00-31

Mr. Messer moved to approve, Mr. McLaughlin second, all voted in favor

TG Missouri Corp., Compliance with Statement
of Benefits, Referencing R-04-35, R-06-01 & R-07-24(PP)

Mr. Gonder stated that it says in the resolution to see the attached list and he wanted to know what the attached list was because there is no attached list.

Mr. Rosenbarger stated that it would be real property and the original action and they could get him attachment if he wanted but it is the property on Foundation Blvd. He stated that they did this because it is stated law that they have annual revues and if they see that they is no longer a need for this abatement they have the option to deny it. He explained that the auditor reconciles the numbers but generally they take what is filled out on the form as a given because it is a public document.

Mr. Coffey moved to approve, Mr. Messer second, all voted in favor

Marlin Andres/Global Mechanical, Compliance
with Statement of Benefits, Referencing R-07-22(RE & PP)

Tabled

Lukemeier Mold & Machine, Inc. d/b/a/ Limmco, Inc.
with Statement Of Benefits, Referencing R-99-06(RE),
R-00-32 & R-07-38 (PP)

Tabled

VIT of Indiana Doors, Inc., d/b/a Ideal Door
Compliance with Statement Of Benefits,
Referencing R-02-35(PP)

Tabled

INTRODUCTION OF ORDINANCES AND RESOLUTIONS:	READING
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A-08-11	An Ordinance To Amend Ordinance No. A-07-43 Setting Salaries For The Year 2008 For Non-Bargaining Unit Employees	Coffey 1
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Mr. Coffey moved to approve, Mr. Messer second, all voted in favor

Mr. Coffey stated that this is for a full time City Engineer that works solely for the City.

Mr. Malysz stated that this is a request to create a position that is City-Civil Engineer which will be a full time individual that is trained in the area of storm water, sewer and planning. He explained that they do not have a full time Engineer and this is not meant to replace or remove Ms. Coyle from the boards that she serves on but she would likely be removed from the Plan Commission. He stated that as he understands it they have her on contract for additional hourly services and they would like to phase that out because it is very costly to the City. He explained that he percentages coming out of these three budgets equal out to a salary of \$55, 00.00.

Mr. Gonder stated that this is someone that would work for the City and keep track of all projects and records for those projects.

Mr. Zurschmiede asked if this was Mr. Kessans position or another position.

Mr. Malysz stated that this is a separate position.

Mr. McLaughlin stated that they have an entity to do this job in EMC and now it seems like they are just hiring someone to police the people that are supposed to be doing this.

Mr. Malysz stated that to some respect yes but he is surprised at that question because of the concerns that they have had with the EMC contract and this in an effort to settle any of those concerns. He stated that he believes New Albany is the only second class city without a full-time engineer.

Mr. Price stated as they go over the budgets they have been ate up with contractual services and it would be preferential to not pay someone hourly to do a job but to bid it out. He stated that one year alone the attorneys fees were over \$100,000.00 in contractual services so they really add up.

Mr. Price stated that hopefully this will get them on the road to get rid of some of the contractual services that they are currently paying for. He stated that he doesn't have a problem with Ms. Coyle but he does have some issue with someone from Clark County sitting on the Plan Commission. He stated that the state doesn't require but they really want each second class city to have their own engineer and in his opinion they should entertain having a full-time city attorney as well.

Mr. Malysz stated that they are the only second class city that does not have a City Engineer and they need one.

Mr. Rosenbarger stated that they use design firms for a lot of different projects because of their different qualification and while they do a good job they aren't consistent. He stated that this is not to say that everything will instantly improve but they will have someone with some expertise standing behind the projects and able to tell them which design firms are doing their job and which ones are consistent.

Mr. Zurschmiede stated that he would like to explain for the new members that the previous council appropriated \$75,000.00 to hire a Sewer Utility Director and he is assuming that is the money that was used to hire Mr. Kessans. He stated that position was supposed to be an engineer who would look over the operations of the sewer utility, mainly the projects that were being done to see that they were done appropriately and to have someone looking out for the City's best interest. He stated that he is fully behind the need for a City Engineer but he is curious to see what kind of individual that they will be able to hire for \$55,000.00

Mr. Messer stated that he has concerns with the ordinance not saying full-time and he needs to see it in writing.

Mr. Malysz stated that they can amend that to say full-time and they believe that they can get an individual for the salary proposed.

Mr. Messer made a motion to amend the ordinance to specify a full-time City Engineer, Mr. Coffey second, all voted in favor.

Mr. Messer stated that he would also like a job description attached to this for the second and third readings.

G-08-06 Bond Ordinance: Summit Springs Economic Coffey 1
Development Bonds

Mr. Coffey moved to approve, Mr. Caesar second, all voted in favor

Mr. Price stated that he is a little confused by this and would appreciate some clarification.

Mr. Malysz stated that they have been talking about the amendment to the State Street TIFF district over the last few months as well as Summit Springs Development as well as using some TIFF funds that would be generated from the new commercial development to help pay for the public infrastructure to serve the development. He explained that they are starting the process to get the Summit Springs project rolling by a TIFF bond or issue industrial revenue bonds that would be paid for in tax increments. He stated one difficulty with them using TIFF bonds is that it isn't just a straight shot but it has winding roads and difficulty with terrain so a better alternative is to issue the industrial revenue bonds for the cost of the infrastructure that would be purchased by the developer and then they would use the proceeds from that transaction to do the build out. He explained that this would include the issue of the industrial revenue bonds by the council and they are asking for a first reading on this tonight. He explained that they would then have a public hearing in August before the Economic Development Commission, assuming everything goes well they would then pass the resolution recommending approval of the bonds. He stated then it would come back to the council for 2 & 3 reading and then it would go to

the Redevelopment Commission and they are asked to pledge the tax increment that would come off of the new development to pay the bond. He stated that they will have the developer who would be purchasing the bonds at the next meeting and this first reading just gets the ball rolling and does not cement anything.

Mr. Coffey stated that this development will allow them to do a lot of improvements to Daisy Lane and will allow them to create a business corridor on State Street.

Mr. Price asked if this was just a bond issue for the part of the infrastructure.

Mr. Malysz stated was correct and that would serve as commercial development and what it means is that if you get that done then the infrastructure is also accessible to higher end residential development.

Mr. Messer stated that this ordinance says there was a public hearing in August and wanted to know if this date was correct.

Mr. Malysz explained that they aren't asking for a final reading but those dates will be correct. He stated that they needed to get this introduced to get the ball rolling but they won't take final action until after the Economic Development meeting which is on or about August 4th and they had to get this started to get it done within the time frame they had allotted.

Mr. Gonder asked for clarification that the developer is buying the bond and if they have the funds to buy the bond why don't they just do the build out.

Mr. Malysz explained that commonly the developer or investor would likely borrow the money and then they would pay that back but if they do not get assistance with the infrastructure then the project becomes too expensive and will not happen.

G-08-05	Common Council of the City of New Albany An Ordinance Amending Section 30.65 of the Code Of Ordinances of the City of New Albany	Price 2&3
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Mr. Price yielded the floor to Mr. Messer

Mr. Messer moved to approve, Mr. Zurschmiede second, all voted in favor, the ordinance did not pass with five nay's from Mr. Coffey, Mr. Price, Mr. McLaughlin, Mrs. Benedetti and Mr. Gahan and 4 aye's from Mr. Caesar, Mr. Gonder, Mr. Messer and Mr. Zurschmiede.

Mr. Coffey stated that there was gentleman here that didn't sign in but brought to his attention something to do with a fax that was sent out stating that there was a person that is now on the council that was a part of the original lawsuit.

Mr. Messer stated that this was taken care of with the decree so he is no longer a plaintiff and doesn't see a problem with him voting on this.

Mr. Ulrich stated that very quickly after election night Mr. Gonder removed himself and his family from that lawsuit and he is hard pressed to see what gain he would have from voting on this issue. He stated that they have an empty podium with no advocate on the other side so he can't anticipate an argument that would be made against Mr. Gonder voting on the issue and he sees no problem at all with Mr. Gonder voting tonight.

Mr. Gahan stated that it was up to Mr. Gonder whether or not he wanted to vote on the ordinance.

Z-08-13	Ordinance Amending the Code of Ordinances of New Albany, Indiana, Title XV, Chapter 156, (Docket P-11-08: ERL Marine of Wilkins Real Estate Holdings)	Price 2&3
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Mr. Price moved to approve, Mr. Caesar second, all voted in favor, Bill Z-08-13 became Ordinance Z-08-27

Mr. Gahan thanked the redistricting committee for their efforts and explained that in the near future a new committee will be formed and they will be charged with moving the city forward and improving the redistricting of 2007 by incorporating some of the ideas brought forth in tonight's readings.

Mr. Gonder stated that he would like to encourage the work on that committee as quickly as possible. He stated that he may be a little premature but this being his first year on the council he is terribly worried about the budget coming up and he knows there are some specific deadlines that they have to meet and they need to do some advertising and he wanted to know if they would like to try and plan some of the hearings at this time.

Mr. Gahan stated that he will be talking about this at the end of the meeting.

Mr. Wimp stated that was some conversation about purchasing new cars and complaints of officers in the field about the new cars going to command post instead of going to the officers and he would like to commend the chief of police this time around because the ten cars that were recently purchased are out on the street.

Mr. Gahan stated that they are getting to the point that they need to set some budget hearings set up and he would like for them to plan for the week of the 24th. He explained that will meet with the department heads for two nights and they will get with Mrs. Garry to pick the dates.

Mr. Gonder stated that Mrs. Garry has offered her services to any of them that may want to talk with her or have any questions.

Mr. Gahan stated that they will have a work session before the next meeting in which they will set up the new redistricting committee. He explained that they will also discuss issues with code-enforcement, the smoking ban and if Mr. Gonder and Mr. Messer want to put something together for the tow in lot they could discuss that as well.

ADJOURN:

There being no further business to be heard, the meeting adjourned at 9:00 p.m.

Jeff Gahan, President
Common Council, City of New Albany

ATTEST: _____
Marcey Wisman, City Clerk